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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,228	12/03/2003	Daniel de Lima Goncalves	C4270(C)	5413

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EXAMINER

DOUYON, LORNA M

ART UNIT	PAPER NUMBER
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1751

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/727,228	Applicant(s) GONCALVES ET AL.	
	Examiner Lorna M. Douyon	Art Unit 1751	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3 pages</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Objections

1. Claim 26 is objected to because of the following informalities: the term “fluidized” in line 2 is misspelled. Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. Claims 2, 14, 17, 23 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, line 1, the upper limit of the surface area of the component being coated which is “70%” lacks support with respect to claim 1 which recites “less than 70%”.

In claim 14, the Markush language is improper. The term “or” in line 2 should be replaced with “and”. See MPEP 2173.05(h)(I).

Claim 17 is indefinite because it is not clear whether other limitations have been omitted or whether the claim only lacks a period.

In claim 23, line 3, “the liquid hydrophilic binder” lacks support in the claim.

In claim 25, lines 1-2, the phrase “the liquid addition stages” lacks support with respect to claim 19. In addition, it is suggested that “fluidized” in line 2 be replaced with “fluidized”.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 6-10, 18-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Grimm, III (US Patent No. 3,896,033).

Grimm, III teaches a fabric softener for the treatment of fibrous materials which comprises at least one fabric softening compound coated with a protective polymer which will usually be a water soluble colloid, and wherein the fabric softener particles are usually spherical having from 0.020 to 5 mm (20 to 5,000 microns), (see col. 2, lines 24-33), preferably from 1 to 4 mm (1,000 to 4,000 microns) (see col. 6, lines 55-58). Coating agents include higher fatty acid soaps (see col. 5, lines 32-41). If desired, only a part or parts of the fabric softening compound may be coated, and in cases where partial coating is practiced the uncoated portions will preferably be between coated sections (see col. 6, lines 61-66). In almost all cases, at least 40% of the surface will be coated and usually more than 80% is coated (underlining supplied, see col. 7, lines 4-6). The fabric softener particles are coated by spray coating method (see col. 12, lines 1-12). The coating should inherently possess a contact angle with distilled water as that recited because same ingredients have been utilized. Grimm, III teaches the limitations of the instant claims. Hence, Grimm, III anticipates the claims.

5. Claims 1-7, 9-11, 13-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Allen et al. (US Patent No. 4,482,630), hereinafter "Allen".

Allen teaches siliconate-treated bentonite, siliconate-treated detergent composition (without bentonite), siliconate-treated perborate and siliconate-treated enzyme (see col. 14, lines

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20-26). The various mixing and spraying operations will normally take place at about room temperature but operations in the range of 10° to 40°C., preferably 20° to 30°C., are preferred (see col. 16, lines 49-52). The particle sizes of the materials being coated with siliconate will usually be like those of the final product, within the No's 10 (2 mm) to 100 (150 μ m) or 200 (75 μ m) sieve range (the perborate and enzyme ranges may extend to No. 200), and the agglomerated bentonite particles will be those resulting from agglomeration or compaction of more finely divided particles, such as those of which over 50% pass through a No. 200 sieve (see col. 16, lines 52-59). Such particles may be colored with a suitable dye or pigment, or such or other suitable colorant may be applied with the siliconate (see col. 16, lines 64-67). When the particles are only partially coated with siliconate it is desirable for at least 10% of the surface area (of the equivalent spheres) to be covered by the siliconate, and more preferably a greater percentage will be covered, e.g. 50%, to facilitate dispensing, and similar considerations and conditions apply when the enzyme, bleach and detergent particles are being treated (see col. 17, lines 7-17). The coating of the solid siliconate will normally be on the outer 1% of the thicknesses of the particles, for example, for a particle that is one millimeter in thickness such a siliconate coating would be about 5 microns thick, and when only partial coatings are applied and when greater percentages of siliconate are utilized, as when only the bentonite agglomerates are coated, the siliconate thicknesses will be greater, but preferably less than 2%, and normally, such thicknesses will be at least 0.05% of the particle thickness (see col. 17, lines 18-30). The water-soluble siliconates and lipophilic siliconates are desirable (see col. 9, lines 8-32). The bentonite content of the textile softening detergent, preferably in the form of a siliconate coated agglomerate of more finely divided bentonite powder particles, will usually be within the range

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of 5 to 25%(see col. 13, lines 11-17). In another embodiment, in Example 1, Allen teaches coating a spray dried powder which comprises dodecylbenzene sulfonate (an active substance) and sodium tripolyphosphate (carrier particles) with a nonionic detergent (binder), and potassium methyl siliconate solution in an inclined drum mixer (see col. 19, lines 1-67). The coating should inherently possess a contact angle with distilled water as that recited because same ingredients have been utilized. Allen teaches the limitations of the instant claims. Hence, Allen anticipates the claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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8. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Allen as applied to the above claims, and further in view of Messenger et al. (EP 0,273,775), alone or in further view of Balliello et al. (US Patent No. 4,762,636).

Allen teaches the features as described above. In particular, Allen teaches a silicate-treated perborate (see col. 14, line 25; col. 21, lines 16-22). Allen, however, fails to disclose a silicate-treated photobleach.

Messenger teaches the equivalency of peroxy bleaches and photoactive bleaches as additives which can be coated with a similar coating agent (see abstract; page 3, lines 4).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the perborate bleach of Allen with a photoactive bleach because the substitution of art recognized equivalents as shown by Messenger is within the level of ordinary skill in the art.

In the alternative, Messenger fails to specifically disclose the photoactive bleach which is a zinc or aluminium phthalocyanine sulphonate.

Balliello teaches that zinc or aluminium phthalocyanine sulphonate are photoactive bleaching agents (see col. 1, lines 47-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the perborate bleach of Allen with a photoactive bleach because the substitution of art recognized equivalents as shown by Messenger is within the level of ordinary skill in the art, and to have chosen zinc or aluminium phthalocyanine sulphonate because these are known photoactive bleach as shown by Balliello.

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9. Claims 25-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Allen as applied to the above claims, and further in view of Clarke et al. (US Patent No. 4,196,093), hereinafter "Clarke".

Allen teaches the features as described above. Allen, however, fails to disclose the liquid addition stage(s) in a fluidized bed.

Clarke teaches the equivalency of an inclined pan, a rotating drum or a fluidized bed for granulation methods where a liquid detergent components is sprayed onto solid components (see col. 5, lines 54-60).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to substitute the inclined drum mixer of Allen with a fluidized bed because the substitution of art recognized equivalents as shown by Clarke is within the level of ordinary skill in the art.

Conclusion

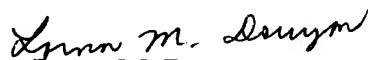
10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references are considered cumulative to or less material than those discussed above.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lorna M. Douyon whose telephone number is (571) 272-1313. The examiner can normally be reached on Mondays-Fridays from 8:00AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra Gupta can be reached on (571) 272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Lorna M. Douyon
Primary Examiner
Art Unit 1751